

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

PCT Application
PCT/JP2002/009393



Applicant's or agent's file reference R0206-PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/JP02/09393	International filing date (day/month/year) 13 September 2002 (13.09.02)
Priority date (day/month/year)	
International Patent Classification (IPC) or national classification and IPC G01N 15/14	
Applicant RION CO., LTD.	

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 19 November 2002 (19.11.02)	Date of completion of this report 25 February 2003 (25.02.2003)
Name and mailing address of the IPEA/JP	Authorized officer
	Telephone No.

BEST AVAILABLE COPY

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP02/09393

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-11, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages 2, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1, filed with the letter of 17 February 2003 (17.02.2003)
- ☒ the drawings:
 pages 1-6, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/JP 02/09393

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1, 2	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1, 2	NO
Industrial applicability (IA)	Claims	1, 2	YES
	Claims		NO

2. Citations and explanations

Document 1: US 5946093 A (Richard K. Defreez & Valey F. Kamalov), 31 August 1999, (Family: none)

Document 1 (fig. 5) discloses a light-scattering particle detector having an optical system in which an upconversion laser resonator (72), a dichroic mirror (76), a non-linear crystal, a view volume (114) and a mirror (78) are lined up in order.

Document 2: JP 08-304259 A (Mitsubishi Heavy Industry Ltd.), 22 November 1996, (Family: none)

Document 2 ([0002]) states "Fig. 9 is a block diagram of a conventional light-scattering-type sample detector, wherein light from a laser diode (33) (or light-emitting diode) is scattered on the surface of an optical lens (34), thereafter the light is corrected to a parallel state using a lens (35) and enters the sample surface within the detection tank (7).

Document 3: JP 08-233724 A (Sanyo Electric Co., Ltd.), 13 September 1996, (Family: none)

Document 3 ([0004]) indicates "a method for detecting particles in the atmosphere, wherein light output from a light-emitting diode (LED) is irradiated, the light dispersed by the airborne particles is detected by a

light-receiving element without the particles being specified, is known."

Moreover, paragraph [0015] indicates "In fig. 1 and 2, 1 is a semiconductor laser (light source means) for outputting laser light."

(1) Claims 1 and 2

In comparing the invention presented in claims 1 and 2 and the invention disclosed in document 1, they differ only in terms of the fact that the present invention uses a light-emitting diode or a semiconductor laser, whereas the invention disclosed in document 1 uses a solid laser. Otherwise these inventions are identical.

However, the techniques of using a semiconductor laser or light-emitting diode in a particle measuring device that uses light scattering is known (see document 2 or document 3). It would be easy for a person skilled in the art to apply these known light-emitting elements to the invention set forth in document 1.

Consequently, these inventions do not involve an inventive step.